



November 18, 2015

Brownfields Program Survey Plat Requirements
Department of Environmental Quality
Carolyn Minnich



Brownfields Plat



- What is a Brownfield?
- Brownfield Program Overview
- Plat Requirements
- Tips for Fast Approval

What is a Brownfield?

Abandoned, idled, or underused property where redevelopment is hindered by real or perceived environmental contamination.



Department of Environmental Quality/Brownfields Program



PD: Prospective Developer

DEQ: Department of Environmental Quality

PM: Brownfields Project Manager

NBP: Notice of Brownfields Property

BFA: Brownfields Agreement

SNI: Summary Notice of Intent

NI: Notice of Intent to Redevelop a Brownfields Property





Program Overview

Brownfields Property Reuse Act of 1997

- Established the NC Brownfield Program – Redevelopment Program- Voluntary
- Program process ensures protection of public health and the environment
- Outcome: Covenant Not to Sue, negotiated with PD
- Provides tax relief for improvements on the Property

Department of Environmental Quality/Brownfields Program






Brownfields Agreement

- Defines the actions PD must take to make site safe for its intended reuse (as defined by PD) using a combination of:
 - Site specific, risk-based standards
 - Engineering controls
 - Land use restrictions

Notice of Brownfields Property, referred to as NBP or simply Notice contains the following:

- Exhibit A: Brownfields Agreement referred to as BFA
- Exhibit B: Plat Map  Why we are here today
- Exhibit C: Legal Description
- Exhibit 1: Site Location Map
- Exhibit 2: Analytical data



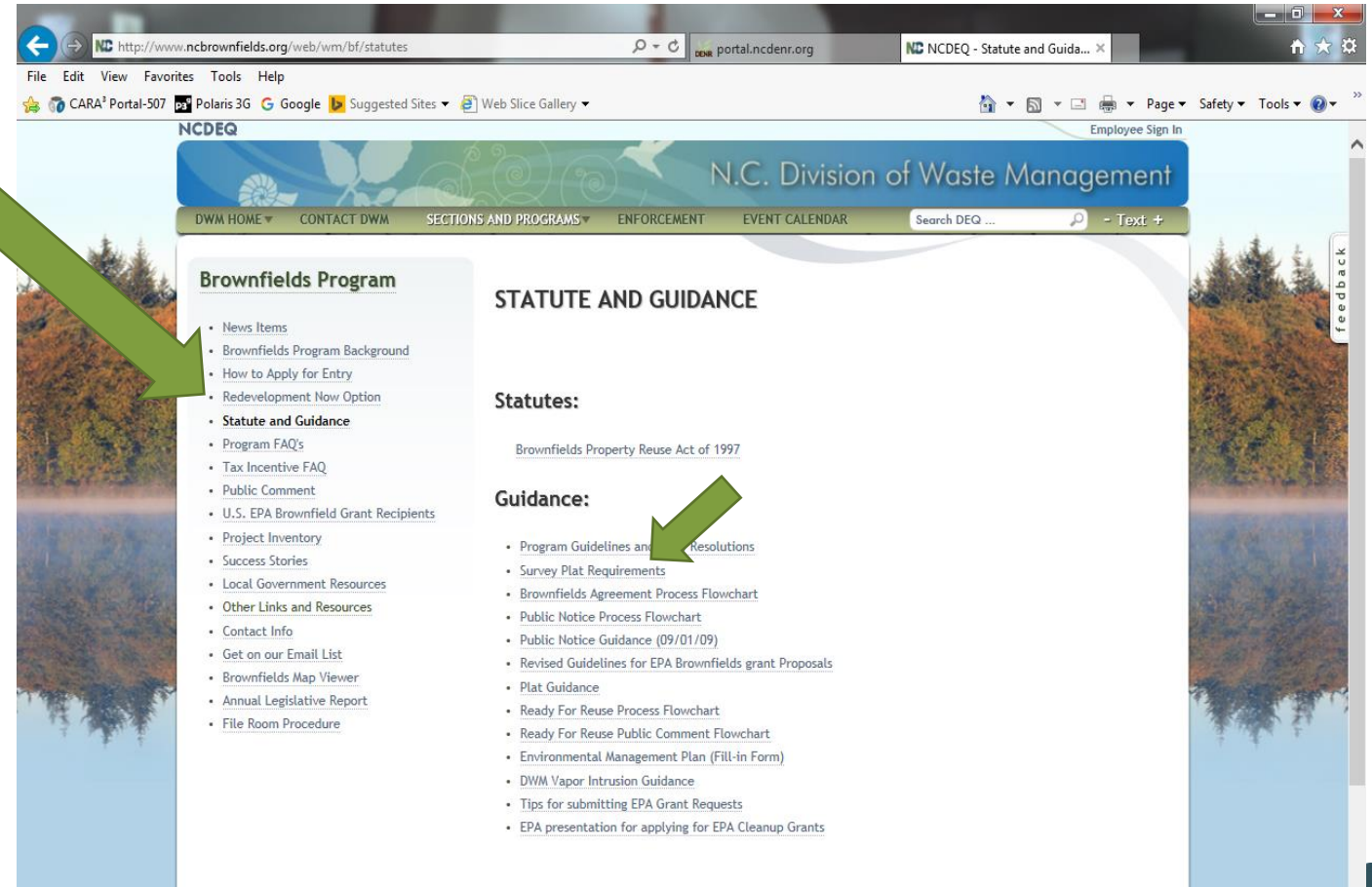
Brownfields Agreement

- Recorded at local Register of Deeds Office
- Land use restrictions “run with the land”
- Plat is an attachment to the Notice
 - Full Size
 - Reduced version 8 ½ x 11

Plat Requirements

Checklist and Overview

- Check List for Survey Plat Requirements
- Available at ncbrownfields.org, under “Statue and Guidance”



Department of Environmental Quality/Brownfields Program





MEMO – Notice of Brownfields Property – Survey Plat Requirements

Check List for Brownfields Property Survey Plat

In accordance with N.C.G.S. 130A-310.35, a **survey plat** of areas designated by the Department of Environment and Natural Resources (DENR) as a brownfields Property must be included with the Notice of Brownfields Property which is required to be filed in the register of deeds' office in the county or counties in which the brownfields Property is located. Prospective Developer must submit a draft of the plat to DENR for review, and because the plat is included with the project information made available for public review during the required public comment period, the draft plat must be deemed "approvable" by DENR before public comment can commence. The requirements of the brownfields survey plat follow:

- ____ 1. The plat must meet the requirements of N.C.G.S. 47-30, and thus must be prepared and certified by a North Carolina registered land surveyor. Check with your county Register of Deeds office for their size restrictions before finalizing the Brownfields Survey Plat as the maximum size of the plat map they will accept varies by county. A link to the plat size information is <http://ncinfo.iog.unc.edu/organizations/regdeeds/platreq.htm>;
- ____ 2. The words, **EXHIBIT B to the Notice of Brownfields Property – SURVEY PLAT**" must appear in the plat's title block; The current owner's name and the name of the Prospective Developer (if different), appropriately labeled, must also appear in the title block along with location information. Tax PINs should also be placed in the title block along with
- ____ 3. The plat must contain clearly demarcated boundaries of the brownfields Property, north arrow, scale, and bearings/distances must precisely match the legal description of the Property;
- ____ 4. To the extent known, and with respect to permanently surveyed benchmarks, the plat must contain a graphic depiction of the location of areas of potential environmental concern on the brownfields Property. This can be accomplished by plotting the name and lateral position of locations where soil, groundwater, or surface water samples have been collected where analytical results of those samples indicate contaminant concentrations in excess of the remedial goals of the NC Superfund Section's Inactive Hazardous Sites Branch;
- ____ 5. The plat must contain the following statement: "The areas and types of contamination depicted hereon are approximations derived from the best available information at the time of filing."
- ____ 6. The plat must contain a table that provides the names of the contaminants known to exist at the site, the sample locations in which the contaminants were detected in concentrations exceeding said remedial goals, and the concentrations of contaminants detected at those sample locations;
- ____ 7. The plat must contain a verbatim list of the Land Use Restrictions that are included in the Notice of Brownfields Property (NBP);
- ____ 8. Before the end of the public comment period, you must supply the Brownfields project manager with a mylar copy and an 8-1/2" x 11" reduced paper version of the approved BF plat (which will become Exhibit B to the NBP); and
- ____ 9. The plat must contain the following approval/signature block for the Division of Waste Management Director's approval and signature, and the notarization of that signature:



Plat Requirements

The Basics

Must meet NCGS 47-30


- Registered Land Surveyor
- Plat Size dictated by county Register of Deeds
- The geodetic survey will also review the plats for .1607 compliance.




Plat Requirements

The Basics

- Title Block
 - Exhibit B to the Notice of Brownfields Property –SURVEY PLAT
 - Current Owners Name
 - Prospective Developer Name
 - Property Address and Tax PINs



Prepared for: Charlotte Mecklenburg Housing Partnership	
Parcel #07904305	
EXHIBIT 'B' to the Notice of Brownfields Property - SURVEY PLAT	
City of Charlotte	Mecklenburg County, NC
1033 Carter Avenue, Charlotte, NC, 28205	



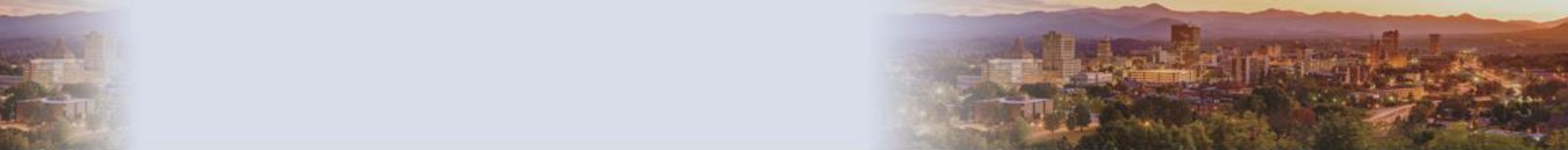


EXHIBIT B
to the Notice of Brownfields Property
SURVEY PLAT

OWNER: TT OF HARRIS, LLC
PROSPECTIVE DEVELOPER: TT OF HARRIS, LLC
7001 E. INDEPENDENCE BOULEVARD
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.
DEED REFERENCE: D.B. 27951, PGS. 120 & 124
TAX PARCEL ID: 165-151-01, & -13

Owner & Prospective Developer: Charlotte Mecklenburg Housing Partnership

EXHIBIT 'B' to the Notice of Brownfields Property - SURVEY PLAT

City of Charlotte

Mecklenburg County, NC

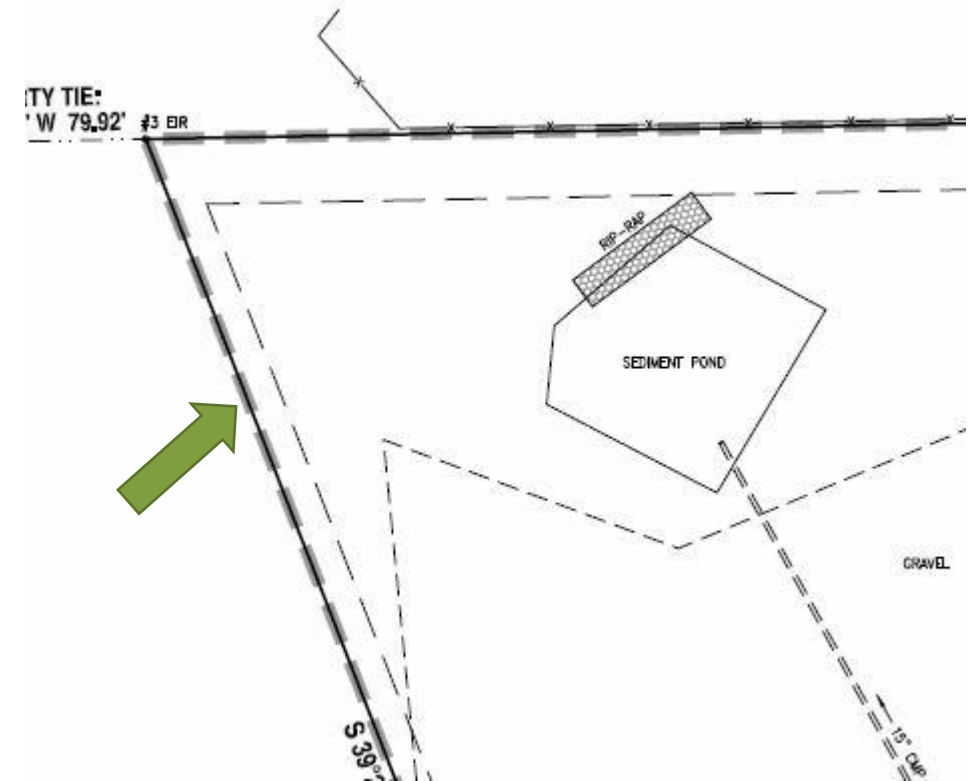
1033 Carter Avenue, Charlotte, NC, 28205 (Parcel #07904305)



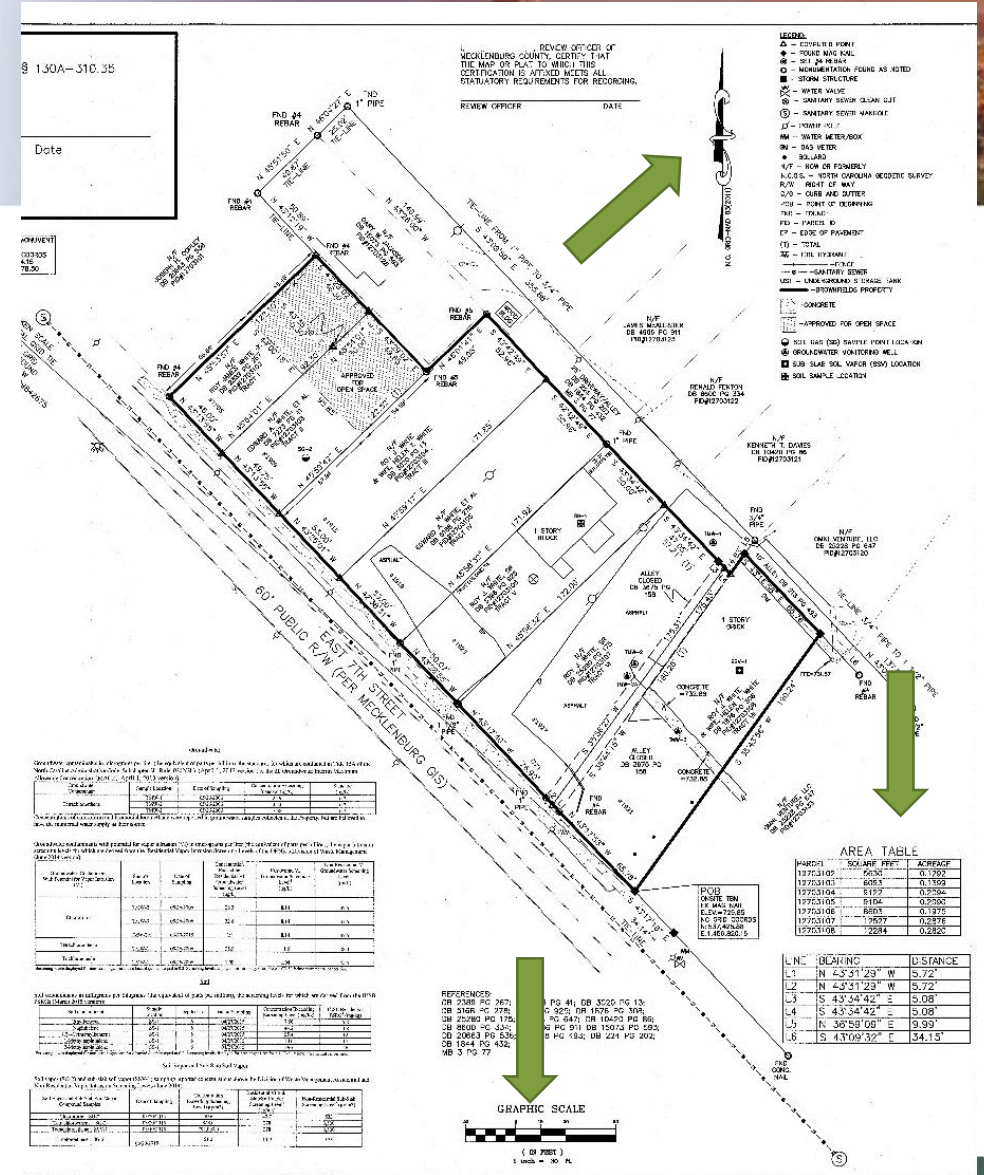
Plat Requirements

The Basics

- Clearly outline the “Brownfields Property Boundary”
- Separate line type from individual parcel boundaries



The Basics



Plat Requirements

The Legend

Legend Information:

1. Sampling symbols (groundwater, soil, vapor)
Only sampling points listed on table need to be on the plat
Style and scale should be visible and appropriate
2. Hatchings or special areas from LURS
3. Brownfields Property Boundary

BROWNFIELDS PROPERTY BOUNDARY

PROPERTY LINE

PROPERTY LINE (NOT SURVEYED)

RIGHT-OF-WAY

RIGHT-OF-WAY (NOT SURVEYED)

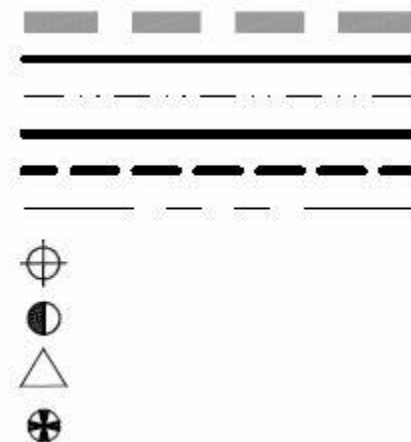
EASEMENT

MONITORING WELL

SOIL SAMPLE

SOIL VAPOR SAMPLE

INDOOR AIR SAMPLE



Plat Requirements

The Legend

LEGEND:

- ▲ - COMPUTED POINT
- ◆ - FOUND MAG NAIL
- ⊙ - SET #4 REBAR
- - MONUMENTATION FOUND AS NOTED
- - STORM STRUCTURE
- ⊗ - WATER VALVE
- ⊗ - SANITARY SEWER CLEAN OUT
- Ⓢ - SANITARY SEWER MANHOLE
- ⌒ - POWER POLE
- WM - WATER METER/BOX
- GM - GAS METER
- - BOLLARD
- N/F - NOW OR FORMERLY
- N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY
- R/W - RIGHT-OF-WAY
- C/G - CURB AND GUTTER
- POB - POINT OF BEGINNING
- FND - FOUND
- PID - PARCEL ID
- EP - EDGE OF PAVEMENT
- (T) - TOTAL
- ⊗ - FIRE HYDRANT
- x— - FENCE
- s— - SANITARY SEWER
- UST - UNDERGROUND STORAGE TANK
- - BROWNFIELDS PROPERTY
- - CONCRETE
- - APPROVED FOR OPEN SPACE
- - SOIL GAS (SG) SAMPLE POINT LOCATION
- ⊕ - GROUNDWATER MONITORING WELL
- - SUB-SLAB SOIL VAPOR (SSV) LOCATION
- ⊗ - SOIL SAMPLE LOCATION

BROWNFIELD LEGEND

- BROWNFIELD SITE BOUNDARY
- CERCLA AREA A,B, AND D BOUNDARY
- ▽ ● ⊕ ⊗ GROUNDWATER SAMPLE
- SOIL SAMPLE
- ▲ SEDIMENT SAMPLE
- ⊕ SURFACE WATER SAMPLE

SURVEY LEGEND :

- : EXISTING CORNER; TYPE NOTED
- : IPF : IRON PIPE FD.
- : IRF : IRON ROD FD.
- ⊙ : CORNER SET; TYPE NOTED
- : UNMARKED POINT
- : CENTER LINE
- R/W — : RIGHT OF WAY
- : PROPERTY LINE
- PP : POWER POLE
- : POWER LINE
- S — : SETBACK LINE
- E — : EASEMENT
- C.M.P. : CORRUGATED METAL PIPE
- R.C.P. : REINFORCED CONCRETE PIPE
- UST : UNDERGROUND FUEL TANK
- SSMH : SANITARY SEWER MANHOLE
- : RESTRICTION LINE (SEE NOTES)

LEGEND

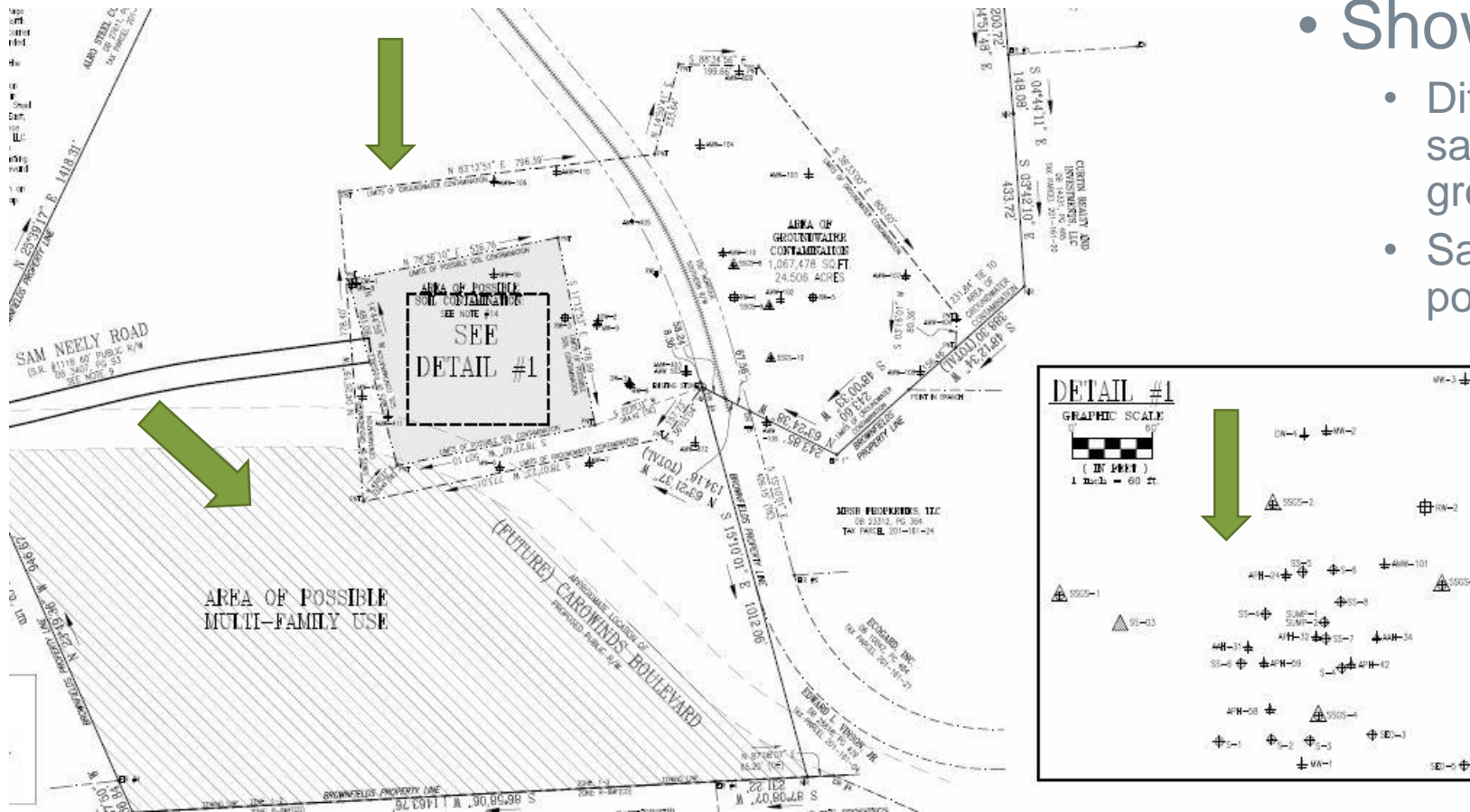
- BM BOOK OF MAPS
- DB DEED BOOK
- PG PAGE
- N/F NOW OR FORMERLY
- R/W RIGHT OF WAY
- IP EXISTING IRON PIPE
- ENAG EXISTING MAG NAIL
- EPK EXISTING PK NAIL
- ERRS EXISTING RAILROAD SPIKE
- ENAIL EXISTING NAIL FOUND
- ERF EXISTING RAIL FOUND
- ECM EXISTING CONCRETE MONUMENT
- IPS IRON PIPE SET
- MAGS MAG NAIL SET
- CP COMPUTED POINT UNABLE TO SET
- CAP METAL CAP
- C&T CAP & TACK
- XXX BUILDING ADDRESS
- ⊕ SAMPLE LOCATION

Include the following notes on plat map:

- The areas and types of contamination depicted hereon are approximations derived from the best available information at the time of filing.
- The locations of the (*soil, groundwater, vapor*) samples site shown hereon are approximate locations from the *Phase I ESA prepared by XYX Consultant dated November 18, 2015.*

Plat Requirements

Location of Contamination



- Show sample locations

- Different symbols for each type of sample (i.e. soil, sediment, groundwater, etc.)
- Same symbol for each type, if possible

- “Area of” defined by PD/DEQ and hatching included in legend

Plat Requirements

Contaminant Tables and Land Use Restrictions

- Contaminant tables can include groundwater, soil, and/or soil gas compared to various screening criteria
- Land use restrictions must be *verbatim* from the NBP
- Information provided by DEQ to PD in word format. (Can be placed on subsequent pages)

Department of Environmental Quality/Brownfields Program

Groundwater

Groundwater contaminants in micrograms per liter (the equivalent of parts per billion), the standards for which are contained in Title 15A of the North Carolina Administrative Code, Subchapter 2L, Rule .0202(2L), (April 1, 2013 version); or the 2L Groundwater Interim Maximum Allowable Concentration (IMACs), (April 1, 2013 version):

Groundwater Contaminant	Sample Location	Date of Sampling	Concentration Exceeding Standard (µg/L)	Standard (µg/L)
Tetrachloroethene	TMW-1	05/26/2006	25.9	0.7
	TMW-2	05/26/2006	3.13	0.7
	TMW-3	05/26/2006	7.58	0.7

Concentrations of chloroform and bromodichloromethane were reported in groundwater samples collected at the Property, but are believed to have the municipal water supply as their source.

Groundwater contaminants with potential for vapor intrusion (VI) in micrograms per liter (the equivalent of parts per billion), the vapor intrusion screening levels for which are derived from the Residential Vapor Intrusion Screening Levels of the DENR's Division of Waste Management (June 2014 version):

Groundwater Contaminant With Potential for Vapor Intrusion (VI)	Sample Location	Date of Sampling	Concentration Exceeding Residential VI Groundwater Screening Level (µg/L)	Residential VI Groundwater Screening Level ¹ (µg/L)	Non-Residential VI Groundwater Screening Level ¹ (µg/L)
Chloroform	TMW-2	05/26/2006	28.3	8.14	35.5
	TMW-3	05/26/2006	32.8	8.14	35.5
	TMW-2A	03/20/2015	19	8.14	35.5
Tetrachloroethene	TMW-1	05/26/2006	25.9	11.5	48.4
Trichloroethene	TMW-1	05/26/2006	1.09	1.04	4.35

¹Screening levels displayed for non-carcinogens are for a hazard quotient equal to 0.2. Screening levels displayed for carcinogens are for a 1.0E-5 lifetime incremental cancer risk.

Soil

Soil contaminants in milligrams per kilograms (the equivalent of parts per million), the screening levels for which are derived from the IHSB PSRGs (March 2015 version):

Soil Contaminant	Sample Location	Depth (ft.)	Date of Sampling	Concentration Exceeding Screening Level (mg/kg)	IHSB Residential PSRG ¹ (mg/kg)
Ethylbenzene	SS-1	6	04/27/2015	7.56	5.8
Naphthalene	SS-1	6	04/27/2015	44.2	3.8
1,2,4-Trimethylbenzene	SS-1	6	04/27/2015	55.4	12
1-Methylnaphthalene	SS-1	6	04/27/2015	141	17
2-Methylnaphthalene	SS-1	6	04/27/2015	196	46

¹Screening levels displayed for non-carcinogens are for a hazard quotient equal to 0.2. Screening levels displayed for carcinogens are for a 1.0E-5 lifetime incremental cancer risk.

Soil Vapor and Sub-Slab Soil Vapor

Soil vapor (SG-2) and sub-slab soil vapor (SSV-1) sampling reported concentrations above the Division of Waste Management Residential and Non-Residential Vapor Intrusion Screening Levels (June 2014):

Soil Vapor and Sub-Slab Soil Vapor Compound Samples	Date of Sampling	Concentration Exceeding Screening Level (µg/m3)	Residential VI Sub-Slab/Soil Vapor Screening Level ¹ (µg/m3)	Non-Residential Sub-Slab Screening Level ¹ (µg/m3)
Chloroform – SG-2	03/20/2015	59.6	40.7	533
Tetrachloroethene – SG-2	03/20/2015	943.0	278	3,500
Tetrachloroethene – SSV-1	03/19/2015	794,000.0	278	3,500
Trichloroethene – SG-2	03/20/2015	51.2	13.9	175



Plat Requirements

Contaminant Tables and Land Use Restrictions

LAND USE RESTRICTIONS

Opening
statement



NCGS 130A-310.35(a) also requires that the Notice identify any restrictions on the current and future use of the Brownfields Property that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the Brownfields Property and that are designated in the Brownfields Agreement. The restrictions shall remain in force in perpetuity unless canceled by the Secretary of DENR (or its successor in function), or his/her designee, after the hazards have been eliminated, pursuant to NCGS § 130A-310.35(e). All references to DENR shall be understood to include any successor in function. The restrictions are hereby imposed on the Brownfields Property, and are as follows:

1. No use may be made of the Property other than for commercial or mixed use to be comprised of commercial and residential components. For purposes of this restriction, the following definitions apply:

i. Commercial - an enterprise carried on for profit by the owner, lessee or licensee;

and

ii. Residential - Attached permanent single family or multifamily dwelling situated as a second story (or higher) above a ground floor office, retail, or commercial space.

LURs are
numbered
not letters



2. No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior sampling and analysis of groundwater to the written satisfaction of DENR in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results reflect contaminant concentrations that exceed the standards and screening levels applicable to the uses authorized for the Property, the groundwater-related activities proposed may only occur in compliance with any written conditions DENR imposes. ...to be continued...



Plat Requirements

Signature Blocks

- Division of Waste Management (Only on LUR page if multiple pages.)
- Local Agencies (as needed)
- Surveyor

REVIEW OFFICER:

I, _____ REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

NOT SUBJECT TO

THIS PLAT IS NOT SUBJECT TO THE PROVISIONS OF THE CITY OF CHARLOTTE OR MECKLENBURG COUNTY SUBDIVISION ORDINANCES AND DOES NOT REQUIRE THE APPROVAL OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION. HOWEVER, ANY FURTHER SUBDIVISION OF THIS PROPERTY MAY BE SUBJECT TO THESE PROVISIONS.
CHARLOTTE-MECKLENBURG PLANNING COMMISSION

PLANNING COMMISSION STAFF

DATE

_____ for the purposes of N.C.G.S. § 130A-310.35

Michael E. Scott, Deputy Director
Division of Waste Management
State of North Carolina
County of Wake

Date

Brownfields Notes

BROWNFIELDS NOTES

1. THE NOTICE OF REMEDIATION (NOR) IS A PUBLIC DOCUMENT AND IS AVAILABLE TO THE PUBLIC. THE NOTICE OF REMEDIATION (NOR) IS A PUBLIC DOCUMENT AND IS AVAILABLE TO THE PUBLIC.
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LURs from DEQ/PD

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Signature Blocks

Analytical Tables from DEQ/PD

The most recent environmental sampling at the Property reported in the Environmental Reports occurred in April 2015. The following tables set forth the contaminants present at the Property above unrestricted use standards or screening levels, the concentration found at each sample location, and the applicable standard or screening level. Screening levels and groundwater standards are shown for reference only and are not set forth as cleanup levels for purposes of this Agreement.

a. Groundwater contaminants in micrograms per liter (the equivalent of parts per billion), the standards for which are contained in Title 15A of the North Carolina Administrative Code, Subchapter 2L, Rule .0202, April 1, 2013 version:

Groundwater Contaminant	Sample Location	Date of Sampling	Concentration Exceeding Standard (ug/L)	Standard (ug/L)
1,2-Dichloroethane	PS-GW-1	10/23/2006	3	0.4
Tetrachloroethylene	PS-GW-1	10/23/2006	1.2	0.7
Trichloroethylene	PS-GW-3	10/23/2006	1.6	0.7
Trichloroethylene	PS-GW-1	10/23/2006	84	3
Trichloroethylene	PS-GW-3	10/23/2006	139	3
Trichloroethylene	MW-4**	1/3/2008	26	3
Trichloroethylene	MW-3+	9/26/1997	180	3
Trichloroethylene	MW-3+	9/26/1997	600	3
Chlorobenzene	MW-3+	9/26/1997	74	78
Benzene	MW-3+	9/26/1997	290	1
Benzene	TMW-2	4/15/2014	5.20	1
Nitrobenzene	MW-1+	9/26/1997	180	78
Naphthalene	MW-3+	9/26/1997	73	6
Naphthalene	TMW-2	4/15/2014	6.6	6
Naphthalene	TMW-3	4/15/2014	6.55	6

b. Groundwater contaminants with potential for vapor intrusion (VI) in micrograms per liter (the equivalent of parts per billion), the vapor intrusion screening levels for which are derived from the Residential Vapor Intrusion Screening Levels of the Division of Waste Management June 2014 version:

Groundwater Contaminant with Potential for Vapor Intrusion	Sample Location	Date of Sampling	Concentration Exceeding Screening Level (ug/L)	Non-Residential VI Screening Level (ug/L)
1,2-Dichloroethane	PS-GW-1	10/23/2006	3	22.4
Tetrachloroethylene	PS-GW-1	10/23/2006	1.2	11.3
Tetrachloroethylene	PS-GW-3	10/23/2006	1.6	11.3
Trichloroethylene	PS-GW-1	10/23/2006	84	1.04
Trichloroethylene	PS-GW-3	10/23/2006	139	1.04
Trichloroethylene	MW-4	1/3/2008	26	1.04
Trichloroethylene	MW-3+	9/26/1997	180	1.04
Trichloroethylene	MW-3+	9/26/1997	600	1.04
Benzene	MW-3+	9/26/1997	290	15.3
Toluene	TMW-2	4/15/2014	122	32.2
1,3,5-Trichlorobenzene	MW-1+	9/26/1997	19	5.8
Naphthalene	MW-3+	9/26/1997	73	14.8
Naphthalene	TMW-2	4/15/2014	6.6	14.8
1,2,4-Trichlorobenzene	TMW-3	4/15/2014	141	5.5
Xylenes	TMW-2	4/15/2014	233	98.5

* Screening levels displayed for non-carcinogens are for a hazard quotient equal to 1.0. Screening levels displayed for carcinogens are for a 1-in-10,000 lifetime incremental cancer risk.

c. Soil contaminants in milligrams per kilogram (the equivalent of parts per million), the screening levels for which are derived from the Preliminary Residential Health-Based Soil Remediation Goals of the Inertive Household Sites Branch of DENR's Health-Based Section (March 2015 version):

Soil Contaminant	Sample Location	Depth (ft)	Date of Sampling	Concentration Exceeding Screening Level (mg/kg)	Residential Screening Level (mg/kg)
Dichloroethane	TMW-2	10-12	4/15/2014	8.97	5.48
Naphthalene	TMW-2	10-12	4/15/2014	9.59	3.0
1,2,4-Trichlorobenzene	TMW-2	10-12	4/15/2014	32.6	12

Screening levels displayed for non-carcinogens are for a hazard quotient equal to 1.0. Screening levels displayed for carcinogens are for a 1-in-10,000 lifetime incremental cancer risk.

Tips to Expedite Approval

- Review plat with checklist prior to sending to DEQ
- Send draft to Brownfields PM for review with a placeholder for LURs and contaminant tables early in the process
- Talk directly to the Brownfields PM instead of through a third party
- Read the LURs to see if they require a specific area be outlined



Plat Requirements

Final Submittal

- After plat & BFA approval, draft documents are in public comment (PC) for 30+ days
- Prior to end of PC, send signed Mylar to DEQ for signing (as many copies as the county requires)
- Include reduced 8 ½ x 11 on paper for NBP attachment

Brownfields Program Staff

Raleigh (919-707-8200)

Bruce Nicholson (Program Manager)

Tony Duque

Sharon Eckard, PG

James Rudder, PG

Joe Ghiold, PG

Lebeed Kady

Geoffrey Little

Shirley Liggins

Charlotte (704-661-0330)

Carolyn Minnich

Wilmington (910-796-7401)

Samuel Watson, PG

David Peacock

Mooreville (704-235-2195)

Joselyn Harriger, PG

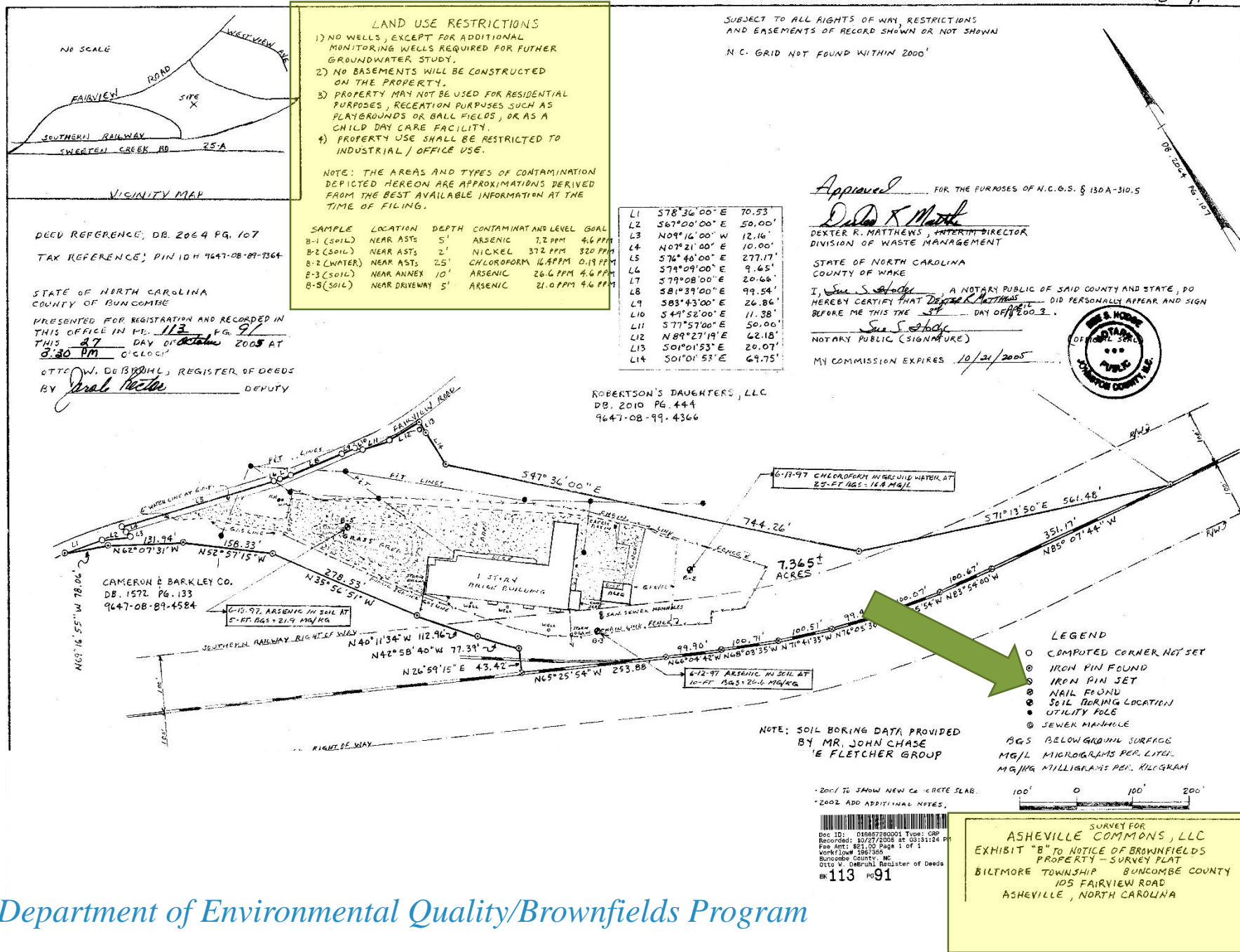
Asheville (828-251-7465)

Tracy Wahl

Email/Website

First.last@ncdenr.gov

www.ncbrownfields.org



- LUR Text and contaminant table does not match BFA
- Parcel number not present
- Owner and PD not listed on title block
- Brownfields property line not specified in legend



www.ncbrownfields.org



Department of Environmental Quality/Brownfields Program

